



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/04/2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6897 of 2023

1.Ganesh Kumar
2.Chermakani

... Petitioners/Accused 1 & 2

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Tenkasi District.
(Crime No.6 of 2021)

... Respondent/Complainant

For Petitioners : Mr.A.C.VINAYAGARAJAN
For Respondent : Mr.R.M.ANBUNITHI
Additional Public Prosecutor

PETITION FOR Anticipatory BAIL Under Sec.438 of Cr.P.C.

PRAYER :- For Anticipatory Bail in Crime No.6 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 465, 467, 468, 471, 420 and 120B of IPC in Crime No.6 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the disputed property belongs to someone. The petitioners herein colluded together and created forged documents in respect of the property as the first respondent is owner of the property and the another as attester during execution. Hence, the case.

3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the first petitioner purchased the said property from one Ranganathan by a registered sale deed vide Doc No.628 of 2013, who in turn sold out the property in favour of the defacto complainant. As of now, the defacto complainant alleged that the first petitioner sold out the property, that apart, the sale deed was registered in favour of the defacto complainant in the



year 2013 and it was put as vending document. After so many years, a complaint has been lodged as against the petitioners. Apprehend arrest, the petitioners filed an application for anticipatory bail in Crl.O.P(MD).No.17282 of 2021 and the same was dismissed for default by this Court, but till date, the respondent did not take any steps to secure the petitioners. Therefore, the custodial interrogation of the petitioners does not require. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police daily at 10.30 am., for a period of three weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/04/2023

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/04/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



RMK
TO

1 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TENKASI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.VINAYAGARAJAN.A.C. Advocate SR.No.5935

ORDER

IN

CRL OP(MD) No.6897 of 2023

Date :17/04/2023

SA/CG/SAR.3/24.04.2023/3P/6C